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"For always in thine eyes, O Liberty!
Shines that high light whereby the world is saved;
And though thou slay us, we will trust in thee."

JOHN MAY.

LIBERTY

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"In abolishing rent and interest, the last vestiges of old-time slavery, the Revolution abolishes at one stroke the sword of the executioner, the seal of the magistrate, the club of the policeman, the gauge of the exciseman, the erasing-knife of the department clerk, all those insignia of Politics, which young Liberty grinds beneath her heel."— PROUDHON.

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LIBERTY

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ON PICKET DUTY

The remarkable story, "Johann Schmidt,"—by the author of those other remarkable stories, "Carlotta Cortina," "The Truants," "The Angel," and "Mustapha the Wise,"—which appeared in the November number of Liberty, I have reprinted as a pamphlet, which I sell at ten cents a copy. At the same price I have also just published "The Right to Ignore the State," a chapter from the original edition, now very rare, of Herbert Spencer's "Social Statics." Though Spencer, when in his later life he revised "Social Statics," suppressed this chapter, he never answered it, and it remains the best bit of political philosophy that ever came from his pen. It might well be called "The Right of Civil Disobedience," as a companion-work to Thoreau's "Duty of Civil Disobedience." The two certainly constitute a pair of Anarchist classics. The present number of Liberty completes the six for the year 1907. The next number will appear in February, 1908, and I hope to issue it with regularity henceforth. Before another number appears I shall publish—probably about January 1—an English translation of Dr. Paul Eltzbacher's "*Anarchismus*," a volume of three or four hundred pages,

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which has previously been translated from the German into French, Spanish, and Russian. The English translation is the work of Mr. Byington. The original is the work of a student, not of an apostle. Mr. Byington pronounces it the best exposition of Anarchism extant, apart from the original sources. The main body of the book consists of seven chapters, each devoted to a teacher selected by the author as a typical Anarchist,—the seven being Godwin, Proudhon, Stirner, Bakounine, Kropotkine, Tucker, and Tolstoi. Of six of these the English book will contain portraits, in which respect it will be an improvement on all previous editions, with the possible exception of the Russian. Of course it will be impossible to give a picture of Stirner, there being no authentic portrait in existence. Eltzbacher in English is destined to contribute powerfully to the spread of a correct conception of Anarchism among the general public, reaching quarters to which a more specifically Anarchistic treatise would be unlikely to find its way. And in particular the chapter on Stirner will give a new impetus to the already vigorous movement started by the publication of "The Ego and His Own." I am also making good progress with my new bookshop, at 502 Sixth avenue. The new English catalogue, containing several hundred more titles than appeared in its predecessor, is now ready, and I sell it at ten cents a copy; it is worth the money. The French catalogue will be ready in a week or two, and will be followed speedily by the Italian and German catalogues. When all have appeared, mine will be the only general bookstore in the world to completely

catalogue all the books regularly carried in stock,—in this instance nearly five thousand titles. As for the long-promised book on Nordau, it still awaits Mr. Shaw's releasing word.

After many vexatious experiences with printing establishments, I have re-established my composing-room,—a thing, however, which I would not have done, had I not been so fortunate as to secure the co-operation of my friend, George Schumm, who is now in charge of my printing arrangements. The improvement is apparent in the later issues of Liberty when compared, for instance, with the September number, the wretched press-work of which was noticed by numerous readers. It was done by the Winthrop Press, a well-equipped establishment, whose product, at least so far as my experience goes, is unworthy of its plant.

Mr. Byington's attack on the jury system in this issue is an instance of reasoning that comes dangerously near to being circular. He opposes the system because it too accurately realizes the desire of the people that nobody shall be punished except by a unanimous vote. Therefore he prefers judges to juries. But, to the objection that judges are likely to be dangerous tyrants, he answers that in this part of the world tyranny *over* the people is almost an impossibility, which is merely another way of saying that judges are sure to voice popular opinion; and yet the voicing of a unanimous popular opinion is the feature of the jury system that is so objectionable to Mr. Byington.

It is true, however, that he does not end *exactly* where he began. The jury often nullifies a public opinion that is not unanimous, while the judge is practically sure, in the long run, to bow to majority opinion. From an Anarchistic point of view the difference seems to me to be in favor of the jury; in fact, it is rather surprising to hear an Anarchist plead for majority rule. However, the matter is not of pressing importance, and its elucidation does not contribute materially to Anarchistic education. Mr. Byington very well knows that those Anarchists who favor the jury system advocated by Lysander Spooner do not make it an essential of Anarchism. They offer it simply as a possible—and very good—means of securing an approximation to justice, in answer to those objectors to Anarchism who maintain that without government it is impossible to secure justice. If Mr. Byington can offer another means to the same end, so much the more complete is the answer to the objectors. But which of the means is the better is a question that we shall not be called upon to determine for a long time to come, more's the pity! If, however, it pleases any one to speculate upon these matters, I advise him to read Mr. Byington's article carefully and then to read "Free Political Institutions," Mr. Victor Yarros's abridgment of Lysander Spooner's work on "Trial by Jury."

I am more in sympathy with Mr. Byington's exceptions to S. R.'s criticisms of the supreme court. One of the best things about this government is its system of checks and balances, whereby each department of

the government tends to cripple every other. All crippling of government is a good thing for Anarchism, and, as a rule, government is crippled when a law is declared unconstitutional. I confess that I was surprised to learn lately that the constitution is not specific in its grant of power to the supreme court to finally judge of the constitutionality of the laws. The thing has always been so generally accepted that I had taken it for granted. Nevertheless, the grant, though not specific, is unquestionably there, no matter what constitutional lawyers may say. There is no other inference from the plain declaration that the constitution shall be the supreme law of the land. It is the court's function to decide whether an accused person has violated the law of the land; and, if a lower court has convicted an accused person of violating a statute, it is plainly within the jurisdiction of the higher court to determine whether the statute is itself a violation of the law of the land.

A few paragraphs from the article on "Posterity" by Mr. Benjamin De Casseres [see another page] appeared last summer in the New York "Sun," and elicited the following comment from the well-known lawyer, Francis Lynde Stetson:

In his letter Mr. De Casseres exhibits restlessness concerning the subordination of the interests of the present generation to those of posterity. While I am not prepared to join him in denying that "posterity should be an object of our interest and care," I am very doubtful as to whether we can render any service to posterity better than by doing the best that we can for our present generation. The advance of civilization and of the human race has been progressive, each generation using its predecessor as a stepping-stone. It is very doubtful whether the

process can be improved, or whether any generation can forecast the needs of its successor. Certainly it is doubtful whether the present generation should be subjected to inconvenience for a benefit to future generations which is purely problematic.

"There will always be a cozy place around here for these Socialist street speakers, no matter how much they condemn this jail," said Chief of Police Wappenstein last night. "It may be all right to condemn this place. I do not say it is sanitary. But there certainly must be some provision made for a jail for the city prisoners. This agitation at this time is due to the Socialists, and they believe they can cripple us so that we cannot handle their cases. They can take it from me that, if they hold street meetings here October 15, as they say they will, there will be a jail somewhere for them to be taken to. It is up to the council to provide me with a jail that is satisfactory to the health board. Until they do that, I guess the old one will have to do."

The above interview, from the Seattle "Times" of October 9, has been verified. Dr. Hermon F. Titus, of Seattle, in the "Times" of October 13, says it is a square issue between a single despot, the chief of police, and freedom of speech. The street meetings are not suppressed because they inconvenience public traffic, but because the people are Socialists. It is only another teaching that authority is always intolerant, and should make Socialists question whether Socialism itself, when in complete control, will permit hostile criticism. Will it be the one exception to the great rule of tyranny inherent in authority?

A PANIC AND ITS LESSONS

On one fine day in October a financial panic overwhelmed a great and rich country. For years that country had enjoyed unexampled prosperity. The demand for labor had exceeded the supply—so, at least, everybody had said, or everybody except the workmen—and the ruling class had claimed high credit for the wonderful policies to which the marvellous prosperity was due.

When the panic came, no one was prepared for it. Banks and trust companies closed their doors; stocks went down; business houses failed; "hands" were laid off; depositors were served with "notice" and refused money, and so on.

But, while everybody knew that there was a terrible panic, no two men agreed as to the cause of the panic. One theory was that it had been produced by the chief ruler's ideas regarding swollen fortunes, rich malefactors, the control of trusts, and the punishment of "bad" lawbreakers (for there were many good lawbreakers in that wonderful country, whom the ruler, with his usual vehemence, declined to prosecute). Another theory was that the ruler's denunciations had unsettled men's minds by revealing real evils and frauds in finance and corporate management, and that, notwithstanding the unexampled prosperity, the people were seized by fear of industrial ruin. A third theory was that the currency system suddenly collapsed, although a few days before you could not have forced an admission from the proponents of this

theory that anything was defective about the country's financial system. A fourth theory was that insane hoarding was the cause of the whole trouble. But, as the banks had slammed the doors in the face of their depositors, it was not easy to see how the hoarding had been managed.

At any rate, the panic was there, and the country had to be saved. Great financiers responded nobly to the call of duty, and did something—no one knew what—for which the editors unanimously eulogized them. For a few hours the market stayed "saved," but, while the editors continued their hymns of praise, the panic returned. More saving was necessary.

Then a wise, resourceful, and courageous secretary of the treasury came to rescue. There were midnight trips to the storm centre, millions of (other peoples') money were poured into the market, and the editors transferred their enthusiasm to the preternaturally wise secretary. The presidency was but a poor reward for such services as his.

But the panic continued, and still more saving was necessary. The clearing houses issued certificates to settle the balances of their members without the use of gold. Oh, they had the gold, but it was more convenient to use certificates. But, in that case, where was the "relief"? And who thinks of mere convenience in a time of storm and stress? However, the certificates did a lot of good, though the situation was apparently such that it could stand an infinite amount of such good. There was, too, considerable doubt as to the legality of such certificates, but the great law-enforcing ruler was not expected to mind trifling ir-

regularities on the part of society-savers. Moreover, technical distinctions are always available in the interest of rich benefactors.

The certificates, like the preceding wonderful devices, did not arrest the panic. The clearing houses in several cities next issued checks for general circulation. This was manifestly illegal; under the wise and protective laws of the country such currency was taxable at the rate of ten per cent. The poor and guileless, you see, *must* be saved from all money that is not based on gold which is only imagined to exist, the bonds of the government itself, which has never produced a cent's worth of value, never can and never will produce it, or the "faith and credit" of this same government. Currency representing actual commodities in process of exchange is dangerous, and particularly so when issued by the owners of such commodities.

At any rate, the clearing houses issued checks on their general and uncertain assets and gave them to owners of merchandise and certain assets. Great was the rejoicing, even among these owners, who paid liberally for this accommodation and were deeply grateful to the banks. As to the stern ruler, he said nothing about the ten per cent. tax. Necessity knows no law, observed one of his worshippers, forgetting to add that it matters much who the judge of necessity is.

But even these checks proved ineffectual as restorers of confidence. Then the mighty ruler and his chosen secretary reappeared on the scene with measures truly "heroic."

In the first place, the government announced an

issue of bonds. It did not need the money, for it had a heavy surplus, the result of overtaxation and high finance, but the banks needed the bonds to issue notes on, and the government was heroically ready to pay them interest on these bonds.

In the second place, the government issued temporary certificates of indebtedness. It had plenty of money, but this money was in the banks, drawing no interest, and could not be withdrawn without risk of injury to the patriotic financiers and "good" lawbreakers. So the government assumed additional debt and offered interest on it at the expense of the taxpayers.

Finally the ruler announced in trumpet tones that the panic should be considered over and that all dutiful subjects should resume business as usual, not asking whether there was demand, not inquiring into the circumstances of consumers, but producing and trading as if nothing had happened.

At this writing the full effects of this imperial series of measures have not had time to manifest themselves. So the story will have to be continued. As to the lessons of it to date, who cannot read them as he runs?

Great is our currency system!

Great is our banking system!

Sacred is the ten per cent. tax on credit notes!

Glorious and inspired is the ruler of the country I have studied in the above veracious tale! S. R.

POSTERITY: THE NEW SUPERSTITION

The latest decoy set up by the indestructible god of illusions is Posterity. Man has been invited to live for various motives. Once it was for the glory of God; Comte proposed as a motive the glory of man; now we are invited to live for the glory of Posterity. Nietzsche called Posterity the Overman; Socialists call it "the rising generation." No one has thought of the glory of living for the sake of living, of eating, fighting, reproducing merely because they give pleasure. Always there are devil-gods that call for sacrifices; always there is the bogey-word that demands obeisance and tribute of all our actions. Nothing must exist for itself. Each thing must exist for the sake of some other thing. The perfume in a rose is legitimate only if there is a human nostril somewhere to be intoxicated; and the perfume of our acts and thoughts is a "moral" or "right" perfume only if it gives pleasure to the nostrils of God, Church, Common Good, or Posterity.

Man has not yet become a good animal. He suffers from ideals, as he once suffered from superstitions. An ideal is a superstition in court clothes. It makes very little difference whether you believe that an east-wind blowing down the chimney on a moonlight night will bring you good luck or that an act that gives you pleasure in the doing is "right" if it benefits Posterity and wrong if it doesn't.

The East worships its ancestors; the West worships Posterity. The East lies prone on its belly offering its tributes to ghosts; the West bows its head in

adoration to the ghosts not yet born. When an Oriental worships the soul of a bit of wood, we call him superstitious; when the Westerner worships certain letters of his alphabet which spell "God" or "Church" or "Morality" or "Posterity," we call it the Ideal. And a smile steals over the furrowed brow of wisdom, and Momus reels in glee. Ancester-worship is the old superstition; posterity-worship the new superstition. The "gods of our fathers" are become the gods of our children. The old bottles are filled with the new wine, but the old labels have never been taken off. We still march under mottoes and tramp to Ultima Thule to the raging tom-toms beaten by priests and idealists. Still we signal a host of imaginary beings with the gaudily-colored pocket-handkerchiefs of our latest trumpery abstraction.

All these words that man bows before, one after another, in his flight across the face of Time, are born of the idea of Responsibility—that somewhere there is Something that is taking cognizance of all his acts and will bring him to account for them. Sometimes it is the bearded, concrete Jehovah of the Jews; now it happens to be a beardless, visageless, vaguely-shadowed Posterity. The idea of responsibility is as universal as all other illusions; the universality of an idea or instinct merely proves—its universality. From the feeling of responsibility sprung the most immoral and strength-destroying doctrine that we know of—the doctrine of the Vicarious Atonement.

Responsibility to God was the first great necessary lie; for, if the race is to be preserved (no one has ever found out a rational reason why it should be),

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lies are more necessary to its growth and sustenance than truths. Responsibility to God—or gods—was the first ideal, the birth-boards that clamped and twisted the brain and soul of healthy self-centred beings and changed their centres of gravity from the enkernelled Self to an all-seeing, all-recording Non-entity that had a name but no local habitation. Man is born in his own incalculable anterior images, but he came to believe, in his all-ignorance, that he had been created in the image of another, a giant jail-warden who allowed him to rove the earth at his pleasure under a heavy bail-bond to keep the peace. The idea of an eternal responsibility to this abstraction germinated the first seeds of man's moral weakness, paralyzed his activities, sickened him with scrupulosities, and filled him with the consciousness that healthy activity was sin. War began within him, a war between his superb irresponsible instincts and the idea of a vicarious responsibility, and out of that shambles issued the whining Christian, the lord of tatters called the idealist, and that mincing prig, Conscience.

The idea of responsibility to God began to wane with the dawning suspicion that man was not a celestial, but a sociological animal. Conceiving himself to be this new thing, he here invented a new kind of responsibility called "social responsibility." The old mask was being repainted. The phrase "social well-being" was hoisted into the Ark of the Covenant of Lies. An act was now good or bad as it affected the community. Man loved his neighbor for the responsibilities he could shoulder on him; the corner ballot-box was the Kabala; the community had power

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to bless or curse the individual. God had become a town-hall orator; the Recording Angel was become a court-reporter. The era of the State-Lie had begun.

The transition is easy from the cant about living for the sake of "doing good in the community" and "benefiting the whole" to the ideal of living for the sake of posterity. The old obscure doctrine of blood-sacrifices reappears in this new posterity superstition, slightly attenuated and shorn of its immediate and more obvious savage characteristics; but the old trail of responsibility and life-guilt is there.

We are told to live for the sake of posterity; we must breed for posterity, eat for the sake of posterity, be moral for the sake of posterity, dress hygienically for the sake of posterity, and even die when necessary for the sake of posterity. We legislate for posterity, rear a child with an eye to posterity, tinker with the social system for the sake of posterity, tamper with individual liberty for the sake of posterity, construct utopias for the sake of posterity, vote the Socialist ticket for the sake of posterity.

It is the fetich, the Moloch, the Golden Calf of our civilization. We who are living, palpitating in the flesh and blood present, have no rights; the ego is not sufficient unto itself; we are only straws to show which way the sociological and evolutionary winds are blowing; we are only the bricks and mortar that shall go to build the marvellous, fantastic, phantasmal edifice to house that coming Holy Family—Posterity. Our deeds have no value unless they feed the bulging belly of incalculable non-existent to-morrows. We are only as scraps of bone and meat tossed to that

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fugitive glutton, the Future, by pasty-souled Idealists and the spineless altruists who poison life with their doctrines of responsibility and hoax the feminine with their metaphysical Cardiff Giants.

We are to be systematized, badged, classed, grooved, wired, stuffed; our instincts, our very marrow, are to be inoculated by the virus of Altruism and our faces beatified with the fore-running rays of the great Posterity Light. How we are to glow with the shine of "right living"—all because the altruistic quacks with their obsessions of Succubae and Incubae have dreamed a new dream which they call Posterity!

Weak, impotent, helpless before the immovable present, man salves his sore spot with hopes for the future; not being able to regulate his life to-day, he promises himself a virtuous, vicarious to-morrow: not daring to set up his Ego as God and its endless pleasure as sufficient motive for all his acts, he sets up an Alter Ego and calls it Posterity, as he once called it God, then the State or the Community. With ecstatic eye and lolling anticipatory tongue he awaits for his happiness in Posterity—something no one has ever seen, something no one can define, something that could not possibly exist.

BENJAMIN DE CASSERES.

"Remember, my son, that there are things in the world that are better than money."

"I know that very well, papa; but with money we buy them."—*Gil Blas.*

DOUBLE TAXATION WITH A VENGEANCE*

To the Editor of the Evening Post:

SIR: The secretary of the treasury, in his statement to the public in justification of his issue of 3 per cent. certificates of indebtedness to the amount of $100,000,000, says that this measure will enable him to "meet public expenditures without withdrawing for that purpose any appreciable amount of the public moneys now deposited in national banks throughout the country."

Observe, then, the situation. The secretary of the treasury, having lately deposited in the banks, with the enthusiastic approval of almost the entire press, many millions of dollars that had been paid into the treasury by taxpayers to meet the public expenditures, is now borrowing money at 3 per cent. interest—which these same taxpayers must pay—for the purpose of meeting the expenses that ought to be met, and were intended to be met, with the millions that he has deposited in the banks; and he is doing this in order to enable private corporations to meet their just obligations. Is not this the height of audacity?

But I suppose that the people will put up with this sort of thing until they shall learn that the last excuse for it would be taken away by throwing open to free competition the business of issuing currency against any and all assets having a sufficiently stable market value to inspire the confidence of the takers and users of the currency, instead of limiting the basis of such issue to a few paltry millions of government bonds, whose holders thereby secure a banking monopoly that enables them to recklessly manipulate the market, which they constantly do, well aware that, if their course chances to precipitate conditions like the present, embarrassing to themselves as well as to everybody else, they can depend upon the secretary of the treasury to extricate them from their difficulties by handing them the people's money.

BENJ. R. TUCKER.

New York, November 18.

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*A letter published in the New York "Evening Post" of November 21. At the end of the second paragraph the editor cut out the following sentence: "Is it not unblushing malversation?"—EDITOR.

Thoughts compelled from out the hidden
Frequently are inexact;
But the thought that comes unbidden
Is the one that fits the fact.
—*Rabbi Ben Gessing.*

UNBIDDEN THOUGHTS

May man be economic without being also religious? Can he work out a science of society or of government that has no creed on the side? If he can, he hasn't proved it, and his trend in the opposite direction shows that he doesn't want to. I see by an advertisement in Louis Post's paper, the "Public," that the apostle of Single Tax has a sister to lead about, just as the apostle of Christianity had. She is Christian Science, which Mrs. Julia Goldzier, in a book, has shown to be one with George's doctrine. Mr. George, when he wrote "Progress and Poverty," closed with a chapter on religion, after the manner of Lindley Murray in his Grammar and Noah Webster in his Spelling-book. Some said Mr. George's religious system was a kind of "natural theology"; others did not notice that it was different from the common variety of pious flubdub. Mrs. Goldzier, who has the last guess, defines it as Christian Science, and that goes. And just as grammar and spelling and Single Tax have their religious appendix, so has Socialism. Capt. W. E. P. French, U. S. A., writes a pamphlet of the title of "We-Ism" (perhaps with the object of combating Egoism), and sends me an advance copy of it. Captain French affirms and proves that "Socialism is the religion of Humanity." I doubt it not, and neither am I going to question the statement of the Rev. Mr. Campbell, reported by the

daily papers from London as follows: "The New Theology is the theology of the Collectivist movement, and is spiritual Socialism." By applying the principle, used in logic and in the trinitarian theology, that two things, or even three, each of which is equal to any of the others, must of necessity have come through the same quill, we demonstrate that Captain French's religion of Humanity and Mr. Campbell's New Theology are mates. We may depend that, if they are not exactly alike, they are as near so as the ideas of the two authors are about what Socialism is composed of. For, alas and by thunder! Socialism, as well as religion, means whatever you like. As compiled by Captain French in his "We-Ism" it might be Mr. T. B. Wakeman's Positive Philosophy or a later Apocalypse of John the Revelator. It fits everything that is True and Good and Beautiful. It is almost too inclusive, so that it reminds me of Shaw's criticism of the language of eulogium. Mr. Shaw questions the morality of those tributes to deceased public men which describe one as accurately as another, and which with a change of names may be pronounced on either Mr. Gladstone or Charles Bradlaugh. Is Socialism the religion of Humanity? is it the New Theology? or are visions about?

I pursue my inquiry into the propensity of mankind to make a religion of things that seem to be essentially profane. Such propensity is marked. The economic proposition that does not attach a religion excites but a mild popular interest. It is seen that the Single Tax provides not only a form of worship,

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but also a cure of disease, in being at one, as aforesaid, with Christian Science. Before Mrs. Eddy came, the Single Taxer held that his doctrine superseded the plan of salvation, for which there would have been no call if George had lived before Adam. Another source of religious consolation, not economic, is the theory of evolution, which in the minds of some takes the shape of a new "gospel." Again, Dr. Conway met in India an Englishman who, after making an exhaustive study of religions, none of which suited his needs, found refuge finally in the Baconian authorship of Shakspere. The cipher theory satisfied his longings and fulfilled his soul's desire. This is not the limit either, for there are devout ones who make a religion of their disbelief of all religions; but it is enough to illustrate the tendency I am remarking upon. And where a mode of life, an economic system, is found without any particular religious complement, there is certain to be a religion somewhere that adopts it as a consort. Jill will have her Jack, whether Jack goes hunting his Jill or not. Communism is an incorrigible Mormon with respect to being the choice of a plurality of spiritual wives. As a fact, Communism has never been able to support itself in the absence of one or more of these brides to occupy the minds of its units while working for nothing and finding themselves. Community life, in which the members may gain an honest, if humble, subsistence by preaching to one another, has been the ideal of more than one religious aggregation.

As a Freethinker for more than thirty years, I have been attracted to ideal Anarchism in the belief that

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it does not show evidence of being a religion or of having any spiritual counterpart. As a citizen of this secular republic I have made my feeble objections to the State taking up with the churches for affinities after it had divorced the mother of them; and when I see these various schools of reform pairing off with divers daughters of faith, I begin to doubt whether I may not be wrong in thinking that one may find in ideal Anarchy a hope that is not a pious expectation. In agitated tones I inquire of whomsoever may know: Has Anarchy any recognized religious incumbrances, or any affinity liable to claim from its adherents support for self and offspring.

A meek person had been smitten upon the cheek by one who said, tauntingly, "Now turn the other cheek also." But he answered, "You remember the words of the Lord Jesus, how he said, It is more blessed to give than to receive"; and he returned him two for one.

He that appeals to the scripture must not murmur when the wrong number comes up. The force of an observation is in recalling it at the psychological moment.

Over the merits of giving and receiving let the contentious squabble. Meanwhile I will remark: Sometimes it is blessed to give; sometimes it is more blessed to receive, but always it is most blessed to give and to receive, for that is the square deal. Who, by giving all of the time, would hog the rewards of generosity?

The world's people will notice, their attention being

called to it, that the classes authorized to inculcate the blessedness of giving are composed of those receptive ones who perpetually stand ready to take; and, although they thereby put themselves in the wrong way to get any of the joy they give others the means to gain, they never erect a sign to warn away contributors. Ought we to permit such self-sacrifice on their part? Why don't we let them do the giving and be blessed? If we miss heaven by this course, we shall at least save the price.

A government is getting into the sere and yellow stage, and fit to be oslerized, when it is not satisfied that the citizen shall be orderly and inoffensive, but expects him to bestir himself continually in behalf of official ideas of decency and righteousness. What have decency and righteousness to do with virile government? In an individual the degeneracy marked by moral aberrations is laid to over-exercise of native powers, and, when a government gets too luxurious, we can tell by the same rule what it has been doing. It has governed too much. Excessive use of legitimate functions has brought on satiety. It is jaded, and hunt for a new stimulus. The morals of mankind, close scrutinized, furnish the needed tonic. Just as individuals for whom human nature's daily food has become not good enough, by reason of extravagant indulgence in it, yield to those enticements featured in a recent court trial in Berlin, so does a government, by overstepping itself, come at length through by and forbidden paths into notice as a degenerate. Then it has moral spasms, fits, epileptic

seizures, and a mania for putting its hands on things it has no business with. The people as a commission in lunacy begin to inquire whether it is wholly sane. When a government reaches this stage, the fact that numberless crimes of invasion are committed no longer arouse it to activity. Common felonies do not induce excitation. The open-air concerns of the people it leaves to the local police, while it bends its eye on their private behavior. Affairs of State take second place to the affairs of the family, the office, and the shop. The statesman exhorts to decency and righteousness on week days, and doubles in religion on Sunday. The genius of greatness being thus devoted to the science of speculative morals, the practical work of preserving popular liberty is left to be done in any old way. There is good reason why government should be rotten at the root when its top is decaying above the atmosphere it gets its natural nourishment from. The tree needs trimming. There are too many branches, and its tendency to spread should be checked by cutting some of them off. In the Berlin case a noble count was retired from office because he showed "abnormal proclivities." If we know what the normal proclivities of an administration ought to be, what is the inference, when it exhibits proclivities that are altogether different, except that it is decadent? Our associated statesmen, in leaving the natural uses of the State, are indulging in excessive vice, whose penalty is paresis.

I arise to report progress. On a late occasion Socialist Jeremiah Frost of the borough of the Bron-

signalized his economic and political faith by hanging a blood-red banner on his outer walls. The piece of cloth excited the police the same as if they had been bulls, and they pinched Mr. Frost. But the Frost they got in the Bronx was nothing to the frost that awaited them at the police court, for Magistrate Waldo lectured them and discharged their prisoner on the ground that every man with a political delusion that is shared by enough other men to legalize his party has a right to sport a tag of any color he prefers. I grow joyous over such advances as this in political freedom and citizens' rights. Who can fail to see that this concession of the lawfulness of looking upon the flag when it is red will entail the privilege of carrying a bomb instead of a musket when on parade? In the eyes of our enlightened constabulary the bomb follows the flag.

I arise once more for the purpose stated in the foregoing paragraph. Progress never stops. In the New York election last month, as is conceded by experts, the candidates who captured the offices won no victory, because the voters who held them in contempt put up no fight. The election went to them by default, forfeited by the opponents they did not meet. Is not this voteless opposition a promising sign? It is; and yet something is still left to be desired. Years ago I stated my belief that provision should be made for a citizen to execute his will not alone by voting for a preferred candidate, or by not voting for any candidate, but by voting against all of them, to the end that, if the aspirant for office receives fewer votes in favor of his having it than cast against him,

there will be no election, and the office will be vacated. Nobody took up the plan. The politician, if any had heard of it, would have scoffed as at an invitation to jump into the dock, but that in no way detracts from its merits. Why indeed shouldn't he jump into the dock? This is the coming reform. It confers upon the downtrodden voters the power to abolish an office at will. Now they have nothing to do but fill it. Why should they not decline to elect, and turn down the empty office? It is said that the proportion of citizens who do not vote is increasing. The man who went about with a carriage to pick up delinquent voters in my district on election day found me out in the lot batting a ball, and, when I told him I was too busy to go to the polls, he [illegible] surprise. He said, however, in accents of reproach, that no good citizen ought to keep his vote at home when he could use it to defeat a candidate for councilman who had been known on a number of occasions to shoot craps. Seeing nothing irreconcilable between shooting craps and holding the office of councilman in this ward, I touched the ball lightly and resumed the relaxation which the above incident had interrupted. The crap-shooter was elected.

Avoiding the polls is too Fabian for me. Positive action is the winner. We shall have that, and, with the power conferred on the citizen to vote against all candidates, the exercise of the franchise will again become popular. My vision of the future consists of a world without elected persons, either presidents or legislators; and, when it comes true, I believe that there will be such a reign of peace, order, and good

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will that (if I may be permitted) everybody will put up an umbrella.

It is not long ago that the vast amount of money in the banks, made up of small individual deposits, was quoted as proof of great general prosperity. In the past month or two prosperity has not been the subject of quite so much boasting. On the contrary, the tone has become pessimistic. Now why is this so, I wonder? The same conditions exist as before. That is, the small individual deposits are still in the banks and likely to remain there, in many cases. Is the situation changed by the unimportant fact that the depositors are unable to get their deposits out? It was the money in the banks that made us prosperous, and it is there yet.

Can man live by prosperity alone? Last year nobody denied that prosperity was about the plainest thing in sight, or questioned its blessings just because he happened to be hungry at the moment. This year the heads of families, while not abating their confidence in prosperity, are fain to acknowledge that they might exist without so much of it if they could only get a little more beef for a dollar. Next year prosperity will not be cutting any figure with us at all, and we shall be glad to take the butcher's estimate of a dollar's worth of beef provided we can get the dollar. Therefore, since the worst is yet to come, let us cheer up.

To-day a poll-tax bill came to my house. It was for one dollar, and I handed it to Mrs. M., requesting her to pay it in case the collector should call. "Wouldn't that be funny?" she said. I asked why. "It would look," she responded, "as if I was paying a tax for keeping a man." I let it stand that way, and she continued, "And we have to pay a dollar for keeping Bricks?" (Bricks is the dog.) I said yes again, and she mused: "It seems like a good deal to pay for the privilege." I answered, "I don't know. Bricks is good company and scares away the tramps and peddlers." "Oh," she returned, "I was not thinking about Bricks."

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The appellations of "Omnificence" and "Greatness" are freely given to Mr. Roosevelt. That he accepts the second one and puts on the cap of greatness appears from the closing paragraph of his Thanksgiving order. We should earnestly pray, he observes, for those necessary virtues that make for manliness and rugged hardihood, for without these qualities "neither nation nor individual can rise to the level of greatness." Did any individual ever have the audacity to hope to rise to the level of Greatness; and if so, would not his fellow citizens be justified in rising as one man and making sure that he was underneath them when the signal to be seated came?

Have all of the readers of Liberty met the man who puts them down by forcing the admission that, if all government were abolished to-day, the devil would be to pay to-morrow? The argument is regarded as final by the man who makes it to me. If I tell him I would be perfectly safe without law to protect me pro-

vided all men were of my opinion on the subject of government, he retorts, "Now you are talking about impossibilities." Ask him what he calls his supposition that government might be abolished in a day; whether that would not count among rational men as an impossibility, and whether it is not as legitimate for you to suppose an impossibility as for him to base his argument on a miracle, and he calls you an impractical dreamer, which does settle it for fair. A speaker on Anarchy before the Liberal Club was once quizzed in that way. "What would you do," said the questioner, "if all the restraints of law were removed at this moment?" He replied that he should get out of New York before ten o'clock that night, and it was half past nine then. In the philosophy of Anarchy there should be a better answer to the question than that. What is it?

Is purity passing from the control of the pure? The Purity Congress at Battle Creek last month had features that make it look that way. Comstock tried to fasten a fabricated character on Ingersoll, but, owing to the presence of mind of a woman who knew the facts, he was not allowed to get away with it. That was not the worst; it was about the best, but the speech made by Bolton Hall was pretty good too. He discussed wages and the "social evil" in a manner calculated to show that of the two evils the one so labelled is the least. That is, he told the congress of the pure that the social evil provided women with good food, raiment, amusement, and education,—which are the ingredients of civilization,—while the

wages paid to working women will not purchase enough of either to make our sisters presentable. He thanked God (who may want to disclaim the credit) that "even at the price of shame" women will possess themselves of comforts that are not among the advertised rewards of virtue. For, says Mr. Hall, if women would work for only enough to pay for bad meals, cheap clothes, and no luxuries, they would lower the standard of living, and force even more of their sex to accept the help of men. It follows, therefore, that when a young woman strikes against working for less than will eat, sleep, and clothe her decently, and, throwing up her job and her "honor," permits herself to be ruined, her act, by reason of its stimulating effect on the labor market, shines like a good deed in a naughty girl. To rescue her, after this, and provide her with a place among the industrious, displaces a working girl, who of course has got to live. When Mary turned magdalen, some other daughter in Israel went on the stroll. Mr. Hall's speech consisted of the argument of "Mrs. Warren's Profession" with a Single Tax conclusion, and must have appeared lame and impotent to the purity people, who all know that the only way to abolish impurity is to penalize it. The League for the Promotion of Purity must get rid of the Bolton Halls and his kind, who "squeal" on society by letting it out that the "social evil" is created by law and religion. With purity committed to the hands of these fellows, there is danger that something will be done to preserve it; and the professionally pure would rather turn their congress into a house of joy than have that happen.

Cutting the "In God we trust" motto from our coin is in harmony with the *Zeitgeist*, for the extermination of trusts is to-day the highest ambition of noble minds. But an up-to-date coin would have a postage stamp on one side, and the other side blank for a picture.

When a Prohibition wave reaches the shores of New York, it will be in order to take down the statue of Liberty on Bedloe's Island and to erect in its place a fountain like the one the Prohibitionists vote under.

The Wholesale Liquor Dealers' Association sees it coming, and issues an address imploring the retailers to "purge the business of the attendant evils" that it may no longer be subject to "the attacks and criticism of those who are seeking to uplift its moral tone." If the liquor business has got where an uplifted moral tone is wanted, it is on its last kegs. The Subway Tavern, for which Bishop Potter respectfully solicited our patronage, had a high moral and religious tone, and it is now with the dead who have died in the Lord.

GEORGE E. MACDONALD.

There is hardly a more ridiculous contradiction in the whole legislative outfit than that pointed out by Mr. Samuel Milliken in this issue of Liberty. Our immigration laws bar the entrance of a man who has neither money or work, on the ground that he is likely to become a public charge, and equally bar the entrance of a man who has work, on the ground that his presence increases the supply of labor. As a result, our gates are ajar only to the man who has money.

CORPORATIONS AND CO-OPERATION*

Co-operation voluntary and unprivileged is simply an exercise of the natural right of contract. It requires neither aid nor permission of the State, and is not properly any more subject to governmental interference or supervision than any the simplest forms of individual enterprise. Any man has a right to enter into agreement with any number of other men whereby they undertake for a stipulated wage to assist him in the prosecution, for his benefit, of any legitimate business. He and they have no less right to make a different agreement whereby they undertake to carry on the same business for their common benefit. The State has properly no more concern with the latter contract than with the former. . . .

Natural combinations, those formed and maintained without special favor of the State, are subject to the wise limitations of natural law, in regard both to the number of individuals who will combine in one and the same association, and to the length of time they will continue to act together, and, consequently, also in regard to the amount of capital they can command. There is nothing in reason or experience to warrant apprehension that any body of men will by reason of such combination ever become so great or powerful as to monopolize any considerable branch of industry. Any approach that a natural association of individuals may make toward such monopoly will be due to some sort of privilege enjoyed by it rather than to its collective character. Natural competition, that of unprivileged natural persons, is not self-destructive. It has never been destroyed or even restricted except by government. . . .

The corporation is a political device whereby natural persons who are to co-operate for one purpose or another are, by the favor of the State, more or less relieved from the limitations incident to natural association, and the collective body into which they are formed becomes an artificial person clothed with certain attributes and powers not enjoyed by natural persons or associations, being unnatural and peculiar to the State from which they are derived.

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* From an address delivered by John S. Crosby before the National Civic Federation.

BERNARD SHAW

[Femina in "*Le Figaro*"]

In London, toward the end of July, some one said to me:

"Of course you have read the plays of Bernard Shaw?"

And I had to confess that I did not know Bernard Shaw. I know him to-day. For two months I have hardly done else than read him, re-read him, think of him, and even think according to him.

When one has lived a long time, works of art charm, amuse, stimulate; they no longer astonish. One has read so much, compared so much, and seen the juggler's ball pass back and forth so often, that almost everything is a reminder of something else. One still feels pleasure, but the surprise that discovery brings to the young is rarely experienced. Read Bernard Shaw,—if, like myself in the month of July, you are so unfortunate as to be ignorant of him,—and you will be surprised.

To find an echo for the many strange and strong impressions that disconcerted me, excited my conscience, and dislodged me from my old mental habits, I have interrogated English people concerning the extraordinary writer. "What do you think of Bernard Shaw?" was my continual question. The commonest answer was: "Brilliant humorist, undoubtedly possessed of much wit, but it is hard to tell what he is driving at." Some persons held him for a vain charlatan, an insupportable self advertiser. Others declared him "splendid!" without giving any precise

reason for their admiration. And finally others, more sagacious, shook their heads suspiciously as they said: "He is a droll fellow!"

By dint of listening to these remarks, by dint of re-reading the plays—and especially the prefaces—of this "droll fellow," I have arrived at the belief that the English do not quite know what Bernard Shaw is. And evidently I do not know, either; so I make no ridiculous pretention of enlightening them. But this singular artist has so occupied me for weeks that I am seized with a desire to talk about him without method, at hazard and for my pleasure alone.

Analyzed in three lines, Bernard Shaw's subjects seem so slight that one wonders if they are worth while. The conflict is always extremely simple; the heroes are ordinary people, and, even if it is Cæsar or Napoléon that is in question, no lyricism, no bitter satire intervenes to push them to the point of violent emotion. Their adventures and their personality are intended to seem commonplace. Continually, without any raising of the pitch, they explain in long speeches things that apparently have nothing to do with the action. . . . And yet, yet, from the very beginning one is dominated by an irresistible, constraining force, that sets him to discussing with himself, changes his points of view, creates an uneasiness, a palpitating interest, and ardent desire—and fear—to know and to understand. . . . One feels that something terrifying and desirable is close at hand. Something the possession of which, after having wounded you, will make you happier and stronger; this something is—truth!

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Bernard Shaw is not the first who has tried to show us truth's living and alarming face. It is the avowed purpose of every artist worthy of his art. But it takes a singular courage to accomplish it. At the first glimpse of the pursued image one veils it, out of pity for others and especially self.

A very few writers have succeeded undoubtedly in telling the truth, but impelled by some terrible wrath, by a formidable hatred, by an indignation that tore out their heart. It escapes from them with sobs, with crys of rage or of despair, with insults; and their violence veils it as closely as others' cowardice.

Bernard Shaw loves truth tranquilly, as a familiar comrade. He does not hurl it at us convulsively, to relieve his resentment, to avenge his own sufferings by causing suffering. He is able to recognize it no matter what mask it wears, and, with outstretched finger, he says "There it is" in the calmest tones and with no tragedy in his attitude. As soon as he has shown it to us, we lose our assurance and our sanctimonious satisfaction. It seems as if around the special truth that he unveils all the lies tumble in a heap. Each of us finds himself face to face with the real and petty motives of his acts; one suddenly has a bad conscience, is filled with anxiety; one is ashamed, like those poor people in the beautiful Asiatic garden when they suddenly saw that they were naked. Happily the dialogue sparkles with piercing rays of light, a glittering dust of humor bespangles the profound preaching, the entire audience bursts into laughter: "How witty this Bernard Shaw is!" They laugh and laugh. Whenever I have heard the laughter that

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greets his brilliant replics, I have had a feeling that the public was fleeing from the great image that it was on the point of perceiving, the image of truth on which it feared to gaze. "Telling the truth is my way of joking; there is no droller wit in the world"; * so says one of the heroes of Bernard Shaw. Yes, no doubt! But, the more Bernard Shaw makes people laugh, the less they understand him.

When one follows him closely with a will to hear what he says, one quickly stops laughing. Penetrating little by little the meaning of his mysterious and disconcerting plays, one divines why his characters continually do the contrary of what one expects them to do, why they always react in an unforeseen fashion. It is because they are conceived outside of all preestablished convention, and do not conform to the shape of any of the convenient prejudices that people take with them to the theatre. They do not say the things that it would be necessary to say in order that the reassured public might know itself in presence of a clearly classified type, which will not transgress the limits fixed for it in advance, and concerning which there is no occassion to risk one's brains. None of his heroes represents abstractly and from one end to the the other either a worthy man or a rascal; they represent under various forms and with signal sincerity a persistent intention, whether conscious or not, to attain the desired end. At first they appear contradictory, incomprehensible, like the will to live, of which all of them are powerful expressions: the will to live that alters its mind, changes its course, corrects itself a

* Re-translated from the French.—*Translater.*

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hundred times, puts base thoughts into the noblest souls,—the will to live, irresistibly logical in its innumerable transformations, finding all means good and trying all.

Bernard Shaw neither loves or hates his characters. His nerves are not interested in their conflict, and he is not intent upon using it to excite our nerves. He asks neither our sympathy or our wrath for the people who move before us at his bidding. He simply forbids us to classify them thoughtlessly. He obliges us, before judging them, to rid our minds of those preconceived ideas which keep us in so complete an ignorance of all those upon whose acts we pass judgment and whose characters we define. Bernard Shaw's heroes, like real beings, do not express themselves absolutely in any of the scenes in which they appear. Their past is full of deeds and ideas of which they do not speak; their lives have a background. They have had the power to act—and undoubtedly they have acted—in a way that contradicts their conduct of the present moment. They are not *silhouettes*, but veritable men and women, differing with time and circumstance. We feel this—and it is one of the singular powers of Bernard Shaw's genius that he makes us feel this; we feel it, and we no longer dare to fasten a precipitate label upon these complex creatures. They neither attract or repel; they appeal for justice and command attention to their reasons, Not one of them is perfect enough to secure our absolute trust, not one bad enough to seem to us inexcusable.

Mrs. Warren, the heroine of one of these plays, carries on the white slave trade on a large scale, and pos-

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sesses luxurious establishments in several capitals. She has a thoroughly virtuous daughter, educated and of a practical turn, who of course is ignorant of her mamma's profession. The time comes when it is necessary to inform her of the source of the money thanks to which she has received a brilliant education and pretty gowns. Mrs. Warren explains herself, quietly, with the confidence of a person who feels herself thoroughly established on solid ground. Her parents were poor; two of her sisters worked in a chemical factory, and died of the poisonous effects. She, Mrs. Warren, was washing the dishes and dying of hunger, when another of her sisters, who had disappeared several years earlier, came, wearing fine clothes and a contented air, to explain to her that, by intelligently prostituting oneself and encouraging the prostitution of others, one may eat every day and invest money. Mrs. Warren does not suppose that anybody but an imbecile prefers dying of chemical poisoning to a comfortable living. She has chosen. Her fortune is made. She testifies—and it is plain that her testimony is true—that she has always treated her subordinates well. She has paid much attention to their hygiene. Certain of them became so attached to her that they wept on leaving her. She has done her best, she has worked, she has paid her debts scrupulously. She is rich because she has been intelligent and has taken pains. And, thanks to all this, she has made of her daughter a person of distinction, who can offer herself the luxury of marriage and purity. She tells her story with a feeling of contained pride. The daughter listens to it quietly enough. Undoubtedly

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these things are not very pleasant to hear, but she has the sense of reality. Would Mrs. Warren have shown a better understanding of the real aim of life by succeeding her sisters in the murderous factory? No, indeed! Miss Warren pardons her mother. As she too has a good head and an energetic character, she will not profit by the fortune acquired by the means that I have described: she will work. But she pardons. She pardons without emotion or sentimentalism, because her logical instinct compels her to accept the reasons of the old trader in human flesh. In the meantime this young girl, placed in circumstances so complicated, is half smitten with a lad who is the son of an old lover of her mother,—indeed we fear for a moment that he is going to turn out her brother,—and also her hand is sought by an old man who perhaps is her father. . . . Does the atmosphere of such a play seem irrespirable? Not at all! The perfect sincerity of the characters; their way of looking at everything they do as very simple, of acting according to their real nature, not once speaking with a false accent out of conventionality, a fear of shocking, concern about the public; the author's cold determination to put us in direct contact with the truth without frightening us with precautions or exciting our minds by reticence,—this lofty good faith puts us at our ease. We do not turn away with disgust. We have no desire either to laugh or to weep. We reflect.

By what right should we, in the name of some principle of moral æsthetics, condemn Mrs. Warren and her like to choose death rather than life? Mrs.

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Warren did well. But, if she is right, it follows that there are other people who are wrong. Certainly! And at once we are dreaming of the frightful responsibility of society and of us all. We are not moved by a touching, sentimental, heart-rending spectacle of a wretch dying in the mud conscious of her shame. No, we are confronted with a person of wealth, contented with herself, a good woman, sympathetic in a considerable degree, consistent with herself, in a logical attitude toward the circumstances that produced her. . . . We are not moved—emotion is quickly forgotten; we are warned, disturbed. . . . We shall not forget.

Bernard Shaw wants to demolish, in the minds of those who listen to him, the orderly array, decorative or dramatic, that each one makes for himself of his own virtues, of his own vices, as well as of the vices and virtues of others. He persuades us that a fine action may be prompted by sordid motives, and that the worst conduct may originate in honesty, both being momentary—and legitimate—expressions of the will to live, and not the natural product of souls elect or banished in advance. He dislocates the elegant illusions, the systems of polite lies, that make us tolerable to ourselves and to each other. He wants no toleration. He wants reaction, self-improvement through a loftier consciousness of self. He forbids us to accept the established morality without examination, and bids us create a morality for ourselves. He puts us on guard against the false semblance of duty that bridles instinct. His cold and bantering vivacity is discouraging at first, but almost immediately it

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searches out unknown forces in the depths of our souls and brings them into action. Happiness and beauty are secondary products, he says. The main thing is quite other; the main thing is to be active and conscious, to put aside the conventions that are pleasing to laziness, to develop in the direction of a loftier personality, to be an egoist and create rights to egoism, to surpass oneself in short at every second of one's life, in order to contribute to the formation of a superior type of humanity.

"Happiness," he says, "lies in being utilized for a purpose the power of which we recognize, and in being totally consumed in such service before life casts us aside. Happiness lies in being a force of nature, and not a selfish and feverish mass of desires and regrets,—of complaints that the universe does not see fit to devote itself to the task of making us happy."*

He is quite right, the humorist Bernard Shaw. . . . Bernard Shaw the awakener!

* Retranslated from the French.—*Translator.*

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ILLUSION OF WAR

War
I abhor,
And yet how sweet
The sound along the marching street
Of drum and fife! And I forget
Wet eyes of widows, and forget
Broken old mothers, and the whole
Dark butchery without a soul.

Without a soul—save this bright drink
Of heady music, sweet as death:
And even my peace-abiding feet
Go marching with the marching street;
For yonder, yonder, goes the fife,
And what care I for human life?

The tears fill my astonished eyes,
And my full heart is like to break;
And yet 'tis all embannered lies,
A dream those little drummers make.

O, it is wickedness to clothe
Yon hideous grinning thing that stalks
Hidden in music, like a queen
That in a garden of glory walks,
Till good men love the thing they loathe!

Art, thou hast many infamies,
But not an infamy like this.
O, snap the fife, and still the drum,
And show the monster as she is.

RICHARD LE GALLIENNE.

ANARCHISM IN RUSSIA

I was greatly surprised the other day by the receipt of a registered package from Moscow containing two thick pamphlets in the Russian language, —one a translation of the three sections from "Instead of a Book" entitled "Socialism," "Communism," and "Methods," and the other the second number of a series of pamphlets made up of sundry Anarchistic documents, this particular number giving one or two original articles, translations of several of Mackay's poems, and a translation of my "State Socialism and Anarchism" and "Relation of the State to the Individual." With the package came a letter from the translator, announcing a translation of "Instead of a Book" *complete*, to appear in Moscow next January. By the kindness of my friend George Haendelman I am able to give below an English translation of an article from one of the above-mentioned pamphlets, signed O. Viconte, and describing the progress of this astonishing development in Russia. But I must accompany this reprint with prompt and vigorous protest against the shocking injustice done by the author to John Henry Mackay, who began more than ten years ago, with the co-operation of his publisher, Zack, to issue German translations of pamphlets (by myself and others) chosen from the Anarchistic propaganda. Hitherto no one else on the continent of Europe has been engaged in this work, and our Russian friends, who after all are comparatively late workers in this field, deserve severe rebuke for accusing Mackay of indifference. It should be stated also that Mackay has never been the publisher of Stirner's "*Einzige*," and that Stirner was not born in Berlin. But, after taking these necessary exceptions, I give my new Russian friends a cordial handshake over land and sea.

One of the most effective means for the propaganda of any doctrine, and of individualist Anarchism in particular, is the wide dissemination of literature among the people. Any theory, if it is to be at all successful, must first of all be extensively agitated, by the spoken word as well as through the medium of the press.

History attests that a mental revolution is necessary before the success of a real revolution may be looked forward to. And it is certainly clear that, as the number of persons thinking thus, and not otherwise, shall increase, so much sooner will they be able to accomplish what they are striving for.

And it may safely be said that, where a great literature on the burning issues of the day exists, and where there are many speakers, defenders of the theories, these theories are most extensively accepted by society.

And conversely, where there are neither writers nor orators, there is not the slightest possibility of even the minutest serious movement for enlightenment taking place.

Christianity owes its wide influence to the gospels and persistent preaching. For the triumph of the Christian teachings, according to tradition, depended upon its apostles being "divinely inspired," and infused with a supernatural power of expression.

Similarly with individualist Anarchism, that theory of the final happiness of free man; for its success it is necessary to preach, to preach by tongue and pen.

In western Europe the propaganda of individualist Anarchism is very weak.

In Germany, in the forties of the past century, appeared a book by Max Stirner, "The Ego and His Own." It created considerable excitement for a while among a small group of contemporaries, and then was lost from sight for over half a century, when a worthy disciple of Stirner, John Henry Mackay, resurrected it, to the surprise of an ashamed public. Mackay himself also wrote a very careful and complete biography of M. Stirner, explaining his philosophic views. Later were also issued the beautiful sketches from life at the end of the nineteenth century written by Mackay under the title "The Anarchists."

These sketches present the views of individualist Anarchism in the form of a novel. Mackay's talent enabled him to paint in glowing colors a beautiful picture of the individualist ideal—an unprecedented task. Nevertheless, Mackay triumphed over this self-imposed task more than successfully,—even brilliantly. And we are certain that this book will have a continued and deathless fame. . . .

But with Mackay we must conclude our list of literary forces in the realm of individualist Anarchism in the West, if we exclude such men as Nietzsche and Ibsen, individualists but not Anarchists.

How poorly disseminated is the individualistic literature in the West may be seen from the fact that, when the publishing house "Individual," in their endeavors to procure a book by the Anarchist Tucker, made great demands for it by means of telegrams and letters to all the large publishers, of London (the nest of Anarchism), Paris, Berlin (the birth-place of Stirner), they received from all the one reply: "In the whole city there isn't a single book from New York to be had." The famous Zenker, in his book "Anarchism," complains that throughout western Europe he could not find a book by Tucker, though the teachings of the latter are extremely important and interesting; that he, Zenker, had himself written a personal letter to Tucker, but received no reply. The Moscow publishers were more successful. They received not only a reply to their letter to Tucker, but also two books from New York, one through a a London firm and another through a Russian firm. . . . In vain does Mackay call Tucker his friend, when he takes no pains to spread through his works those very ideals whose ardent champion he himself is. And yet he was well able to issue and advocate Stirner's book, one less modern, and consequently less accessible to the intelligence of the public. Tucker at any rate is more considerate, as he is very actively engaged in translating and spreading the writings of his friend, Mackay.

But, on the other side of the ocean, in America, the state of affairs is entirely different. Thanks to Benjamin R. Tucker, there exist not only publications of an individual tendency, but also a paper, "Liberty," in whose pages Tucker and other contributors propagate and defend individualistic ideals. . . .

However strange it may appear at first, it is nevertheless true that in this "barbarous country," here in Russia during the last few years, Anarchism in general, and individualism in particular, have aroused great sympathies among the "intellectuals" of our society. In the summer and fall of 1906 the book market was for the most part inundated with this particular class of literature. It was sufficient to place the word "Anarchism" on a title-page of a book to cause it to be gobbled up immediately.

And what is most remarkable of all is that, in June, 1906, there appeared simultaneously two original pamphlets of Russian writers: "Social Ideals of Modern Humanity" (Libertism, Socialism, Anarchism) by A. Borov, and "Individualist Anarchism" by O. Viconte (pseudonym). The second pamphlet, on account of the many sharp attacks of its author upon God, State, and the absolute monarch, was at once vigorously excluded from circulation by the administration and the highest

courts, but in spite of it all continued to receive a wide circulation, especially in St. Petersburg.

Then, also, the book market was flooded with translations of individualistic literature. "The Ego and His Own" by M. Stirner was issued in three editions by three different publishers, and we know of three others who are preparing to bring out the same work.

Two editions of Mackay's "Anarchists" appeared on the same day. And most important of all is the fact that the publication of Anarchist literature is for the greater part done by large commercial firms, which argues indubitably for the great demand that must exist for such literature.

The publishing firm "Individual" are the only exclusively pure individualistic publishers in Russia at present. They have already issued the above-mentioned pamphlet by Viconte; also the "Ego and His Own" by Max Stirner, in several parts as well as in one complete volume; the first number of their periodical "Individualist" containing portraits of Max Stirner and B. Tucker, as well as original articles and poems; "Socialism, Communism, and Methods" by Benjamin R. Tucker (to the disgrace of western Europe); and the present issue of the "Individualist"—the second number. All publications of "Individual," with the single exception of Stirner's book, are very strenuously confiscated in Moscow, but, in spite of all opposition, have a wonderfully large circulation in other cities, and especially in provincial towns. And it can be safely said that at the present time there is not a city in Russia where you will not find individualist literature most conspicuously displayed on the shelves of every book-store. The works and personalities of Anarchist writers are at present the subject of great interest and discussion.

Only recently there appeared in a newspaper "*Rooskoé Sloro*" (Russian Word) a feuilleton written by a priest, Petrov, under the title "The Unique One," in which the author discourses upon the life and teachings of the great philosopher, Max Stirner, in such a way that you are involuntarily forced to reflect: Is it not an Anarchist who writes thus?

But, besides the literature, in Russia we have in the person of A. Borov an eloquent speaker—a defender of the individualist ideals. And he it was who in the spring of 1906 had the honor of saying the first word on the subject. And it is also necessary to see the impression that this talented orator makes upon his hearers after his lectures, in order to understand how dear to the hearts and minds of the Russian people is the individualist philosophy.

ANARCHISM IN RUSSIA

It remains for us to issue at least one individualist newspaper, and then we could justly say that Russia has not only overtaken, but in that respect many times outdone, some of the more civilized countries.

The success of the individualist literature in Russia is due not only to the energetic and ceaseless work of its apostles, but also to the hatred which exists of all conventional and ancient traditions, and to that depth and vitality which are the essential elements of individualist Anarchism. Every person is, first of all, a man, an individual, and it is only later that he appears as a member of this or that man-invented organization: governments, associations, the family, etc.; which absorb and obliterate his personality and individuality.

So that, when he reads a lecture on pure individualism, he sees the whole falsehood of our present social order; he sees how under a State, especially under an absolute monarchical *régime*, his personality is brutally trampled upon and crushed; his spirit rises within him, and he rebels.

To be really free from the dirty and rapacious clutches of the authority of rulers; to be free of ignorance and superstition; to be free from the belief in God, family, and other ties enforced by organization; in a word, to become a free individual, - isn't that the true happiness, the final goal?

The realization of these ideals is the purpose of individualist Anarchism.

Without them, as without the sun, there can be neither happiness, nor even life, for *man*.

A WORD FOR THE SUPREME COURT

To the Editor of Liberty:

The paragraphs about courts in Liberty for November do not seem to me to have the sound logic and Anarchistic consistency that we usually find over the signature S. R. Has there ever been conspicuously spoken of in the daily press, or has there ever been pointed out in the Anarchist press, a single instance in which the courts held a non-invasive statute to be unconstitutional? Doubtless the thing may sometimes occur; but ordinarily, when a statute is alleged to be unconstitutional, it is an invasive statute, so that a decision sustaining this allegation will ordinarily be good Anarchism even if it is bad law. My impression is that the decisions which declare statutes unconstitutional are oftener good law than bad: but this question surely does not concern us so much as whether they are good Anarchism.

I suppose the talk about "usurpation" to be moonshine too. According to my understanding (and I thought I had it from good authority) it is usurpation for a legislature to pass an unconstitutional law, and it is no usurpation for a court or anybody else to treat such a law as non-existent. The courts exercise no peculiar privilege in this respect; the pettiest denizen, even a Chinese laundryman's five-year-old daughter, has the same function of "nullifying" an unconstitutional act of congress as has the supreme court. The only advantages the courts have in this matter are that they can require the people around them to agree with their opinion; that they are not liable to punishment if they have acted on a misinterpretation of the law, and that they are not annoyed by arrest while waiting to have the soundness or unsoundness of their judgment declared by a higher court. Certainly these advantages are tremendous; but they are only what the courts enjoy with regard to all other debatable or disputed points of law. If S. R. has a scheme for depriving the courts of these three advantages, there is no reason why he should begin with an onslaught on the useful and approximately harmless practice of declaring laws unconstitutional. I wish twice as many laws were declared unconstitutional.

I do not defend government by injunction; but this need not prejudice the determination of the unconstitutionality of laws. Nor do I defend any partiality which courts may have shown in deciding which laws are unconstitutional; but I do not know that this is a department in which they have shown more partiality than in other parts of their work. I am afraid S. R. has been mistaking the clamor of the press for truth—which is a very unsafe mistake for an Anarchist to make.

STEVEN T. BYINGTON.

A CRAZY LAW

To the Editor of Liberty:

In re the eight German lithographers detained at Ellis Island under the Contract Labor law,—outside of the fact that these men are denied a natural right,—there is again in evidence one of the sins and follies of that dishonest, pretentious scheme masquerading as "Protection." These men are detained because, before starting for America, they engaged places here, so that their support was assured; there was not any danger of their becoming charges on the public. In other words, they were prudent, and likely to be valuable citizens. It is probable, therefore, that they will be deported.

But, if these men had been of a "happy-go-lucky" disposition, and had, like thousands of their fellow emigrants, come without any plans beyond "the Lord will provide," or "the Devil may care," then, in that case, they would have been allowed free entry!

Practically, we have penalized prudence and foresight, and have rewarded recklessness and unthrift! This matter would be funny, but for the fact that it is sometimes tragic. What, however, are we to think of lawmakers who solemnly enact such folly into law.

Lowell's opinion was that God must sometimes be much amused by the follies of men. I think the traveler from Mars, however, would nominate every such lawmaker as "Past Grand and Worshipful Potentate of the Universal Concatenated Order of Plaindamnfools.

SAMUEL MILLIKEN.

Moylan, Pa., October 24, 1907.

"PEACE! PEACE!" WHEN THERE IS NO PEACE

(Henry Maret in "*Le Journal.*")

"Never since conferences began," they write us from The Hague, "have they dined as much as during this conference. It is to be feared that all the delegates will go home with dyspepsia."

Malicious tongues even say that they will go home with nothing else. Hyacinth, in the "*Noces de Boucheneœur*," was never successful in marrying, for he always ended by saying no to the mayor, but all the same he ate the wedding-feast, which caused Grassot to remark: "It is disgraceful, but it is nourishing."

While the commissioners are dining, and drinking toasts to the peace of the world, the cannon are thundering at Morocco. I do not know whether you are like me, but I have an idea that this conference would go on even if all Europe were burning. We entertain the reassuring thought that, if all nations were to set about invading each other, there would be at least one corner where they would continue to sing the praises of universal peace and to proclaim that war is done with forever.

It reminds me of a cabman whom I took at Bagnères in a beating rain, and who nevertheless assured me authoritatively that it was not raining and that it could not rain by any possibility.

Last week the delegates thought of prohibiting, in case of

war, the use of balloons as launchers of projectiles. The long discussion was only the more interesting because perfectly useless.

First, because as yet no means has been found of throwing anything from a balloon without causing it to shoot up into the clouds. Next, because it is difficult to see how, if the means were found, it would be possible to prevent it from being used.

I have always admired the idea of deciding in advance what people shall do when they are angry, and of prescribing the number of bottles that they shall be entitled to hurl at one another's heads.

M. Jourdain's fencing-master allowed no one to touch him except in accordance with the rules. He was touched all the same.

THE WARRIOR'S RETURN

("Gil Blas")

Reaching home after having been engaged for two weeks in a raid of his tribe on Casablanca, the Kabyle Ahmed-ben-Chibouck rips open before his wife Leila an enormous bundle which he has brought with him on his horse.

"Say, my gazelle, look at these pieces of linen; have you ever spun any like them?"

"Oh, pretty, pretty!"

"And these boots, that seem to have been made for me. I have at least enough to last me all my life."

"Oh, pretty, pretty!"

"Do you see this machine? It is a coffee-mill. You will not have to crush my coffee with a club any more."

"Pretty!"

"And here is something for you. Handkerchiefs of pink silk of blue silk, of yellow silk. A pretty wooden pipe inlaid with silver. Turkish slippers with pipes embroidered on them. Gold ear-rings. A fine kettle in which to make *couscous*."

"Oh, pretty, pretty, pretty!"

"And here is something for me. It is a warrior's helmet." [*He puts on a stovepipe hat.*]

"Oh, pretty, pretty, pretty. My Ahmed is more beautiful than the sun."

"And now the serious things!" [*He shows his wife little bags containing flour, rice, barley, dates.*]

LAILA (*dazzled*).—"But where did you get all that, my Ahmed?"

"That, my gazelle,—that is the *holy war!*"

THE WEAK SIDE OF JURIES

I copy the following from an editorial of the "Times of Natal." The only thing that need be premised is that Natal is, so far as I know, the only English-speaking country in which the attitude of the white man toward the black is to a consider able degree the same as in the southern part of the United States. There are extensive differences in the details, but the parallel is close enough for the present purpose. Natal differs from Cape Colony in this respect as distinctly as Mississippi differs from Massachusetts. Concerning the facts in the case of the man Mtonga I know nothing but what may be inferred from these words of the "Times of Natal":

> The moral of the verdicts in the two recent trials now known far and wide as the Mtonga case is not far to seek. The jury system in Natal should be abolished in all cases where whites and blacks are concerned. . . . It is perfectly futile to prate of equal justice without respect of color as long as the present system is in existence. Had the youth Mtonga been a European, there would have been no occasion to grant him a free pardon on the occasion of the first trial. No jury would have convicted him of the offence with which he was charged. Had he been a European, there would have been no need of a retrial of the case against certain Richmond Europeans. But, because Mtonga was a native, and because one of the accused was tardily put into the witness-box to make a certain statement, the jury by seven to two brought in a verdict of acquittal. They took just twenty five minutes to arrive at a decision which may have far-reaching consequences. It may seem to the majority of the jury, and to the Europeans charged with a most serious outrage on a fellow-being, that everything has ended satisfactorily, and that an unpleasant matter may now be dismissed from the mind. The five Europeans go free; the jury have—how shall we say?—given them the benefit of the doubt; a doubt, unfortunately for himself, which does not exist in the case of Mtonga. Innocent of the offence of which he was suspected, he has suffered a fate which to the native mind is worse than death itself, and the gentlemen of Richmond, whoever they are, who constituted themselves judge, jury, and executioners, remain unpunished.
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> . . . Nevertheless we venture to think that the views and motives of the respective juries who found Mtonga guilty and acquitted those whom he named as having assaulted him are not shared by the great majority of thinking men and women of Natal. . . . A gross miscarriage of justice, such as occurred in connection with Mtonga, excites profound resentment and disgust among all humane and fair-minded colonists, who feel that an undeserved slur is placed on the clean and honorable record of the colony. . . . The natives have no political, and are denied many civil, rights, and it is especially incumbent on the superior race to see that justice is done the inferior, that the laws of the land are equally and impartially administered, and that real grievances are not left to rankle in and poison the minds of those who may be suffering under them.
>
> Our judges and magistrates do their work wisely and well; and the natives have little cause to complain of any treatment received at their hands. For this reason we favor the substitution of trial by judges for trial by jury in cases where the interests and the good faith of Europeans and natives are involved. . . . God help this colony, with its handful of whites and multitudinous natives, if the methods of lynch law are to be introduced and tolerated by any section of the community.

The above is one of those statements that derive their force from their recognizable truth to life. None but the most ignorant will doubt that under certain circumstances of social cleavage—circumstances exemplified as well by strong racial hostility as by anything—juries are so certain to give a biased verdict that trials are little else than a waste of time. Suppose that in some southern county of the sort in which "race wars" break out there are to be tried a negro accused of chasing a white girl across two fields, and a white man accused of breaking a negro's arm by a shot fired from ambush; and suppose the main issue in each case is whether the right man has been arrested or whether the crime has been committed by a person unknown. Do you think that in either case you would be likeliest to get a fair verdict from a jury of whites, or from a jury of unintimidated negroes, or from a jury of intimidated negroes, or from a jury half black and half white with a provision that disagreement should have the effect of acquittal?

This last supposition suggests another thought which is also started by the article about Mtonga: to wit, that it is not enough to provide that no innocent man shall be convicted. The purpose of requiring unanimity in juries is to make sure that the accused should have the benefit of every doubt. This is all right as regards doubts whether he committed the act of violence. But, when there is no doubt that he committed an act of violence, to a neighbor's harm, and the doubt is whether his act was justified by its provocation, it seems to me that the prosecution should have the benefit of the doubt. Suppose we have a society in which everybody holds that it is non-invasive (and therefore unpunishable) to kill a man who has murdered your friend, and that this action is not made invasive by the fact that a jury has disagreed about him; suppose that one third of this society is composed of men who, for one reason or another, will refuse to hold a man punishable for killing the seducer of his wife; and suppose that in all other respects the people are Anarchists. The principles I first laid down will assuredly seem Anarchistic to those who hold them; and, if they are Anarchistic, then simon-pure Anarchists are in at least a two-thirds majority in that community. Consequently they establish a system of juries which shall judge the facts, the law, the justice of the

law, and the penalty. Suppose that now a man of a hot-tempered family commits adultery with a woman married into a hot-tempered family, and gets shot. The husband who did the shooting is arrested and brought before a jury. The mathematical chance is about 130 to 1 that the minority who are against punishing him will be represented on the jury, so that he will be let off. Then one of the dead man's family undertakes to make up for the jury's slackness by shooting the shooter. It is more than 500,000 to 1, that the jury will contain some of the two-thirds majority who cannot, consistently with the assumed principles, vote to convict him. So he goes free, and another of the opposing family shoots him, with a chance of 130 to 1 that the ensuing jury will not be composed altogether of men who would convict for this shooting. And so it goes on until either the pugnacious members of one family are all killed, or the community grows so tired of the vendetta as to change some of its principles or procedures.

Obviously this is not what we want to get when we ask for Anarchy. But then we need to know how not to get it. Have I gone so wildly astray from the present public opinion of some fairly civilized communities that my story represents what could not happen if the Anarchist propaganda should next year suddenly win the assent of most of the people? I shall be told that I ought to assume a state of things in which there shall be such wise unanimity in essentials, previous to the establishment of Anarchy, as shall make such entanglements impossible. But this is first cousin to the belief that the millennium will make Anarchy possible. The prediction that all other tyrannies will pass out of use before the institution of the State is given up is of course just as permissible—and just as uncertain and unlikely to be entirely true—as any other long-range wholesale prediction. But, even if we accept this very convenient time-table for the train of progress, our experience of human nature forbids us to believe that there will not still be those who desire to get back some of the tyrannies. If we expect that our social order will ever be completely established, it is nonsense to expect that its establishment will not come while there are still many reactionaries, and while there is still much disagreement among our own friends as to the details of Anarchism.

Bear in mind that the concrete part of my supposed case is not the essential part. Instead of being a question of the avenging of adultery, it may be a question of firing a gun at thieves, or anything else. And, as to that one-third of the community who were to be unwilling to convict the first man, I did not in the

least degree hint that they sympathized with his act of violence. They almost certainly would be partly a set of such non-resistants as would not consent to a conviction, but would consent to sit on a jury for the sake of blocking conviction; they might be almost exclusively such. If only ten per cent. of the people were of this sort, more than sixty-four per cent. of the juries would include one or more of these men to prevent a conviction. In order that there should be an even chance of twelve men taken at random being unanimously willing to judge according to certain principles, it is necessary that there be not so many as six per cent. of the population who reject those principles.

If Anarchism, or any plan of Anarchist organization, is not practicable without assuming a greater unanimity of public opinion than now obtains, then this is just the same as if it was not practicable without assuming an increased prevalence of moral rectitude, so far as concerns the conclusion that Anarchism is outside the range of practical discussion. It is sensible and practical, a self-evident truth, that we cannot hope to set up Anarchy till we have a prevalent public opinion in favor of Anarchism, or at least an opinion so general that it is capable of prevailing by wise tactics; but it is neither sensible nor practical nor evident that we should expect contrary opinion to disappear almost entirely as a condition precedent to our putting all our principles in effect. For one thing, it involves the assumption that the tendency of evolution will be reversed before Anarchy can come.

For the purposes of a society in which discordant opinions exist, then, what mistakes did my imaginary community make? what changes will they have to introduce when they are tired of the vendetta?

In the first place, the fact that a court has failed to convict a man, and that the result of the trial has not been reversed by a regular process for that purpose made and provided, should bar all justification of violence against that man on the ground that the court decided wrongly, even though it be true and demonstrable that the court did decide wrongly. If a man has gone free because the jury disagreed, all violence done under color of punishing him must be treated as violence to an innocent man, even if the twelfth juryman has publicly said "I know he was guilty and ought to be punished, but my daughter's baby was born that morning, and as I thought it over, I felt that I couldn't afford to start the baby with such bad luck." The only alternative to such conclusiveness of the verdict must

THE WEAK SIDE OF JURIES

be either the vendetta or the amenity of a society too peaceable to need courts.

I am not sure that this will receive unanimous assent even in the limited and selected circle of Liberty's readers. Still less can I expect it to be agreed to by the entire body of men, clear-headed and muddle-headed, practical and unpractical, reflective and unreflective, patient and impatient, sympathetic and unsympathetic, optimistic and pessimistic, from whom juries are drawn. Hence, if the jury is to judge the justice of the law, there are likely to be jurors who disagree with me, and a man who has killed an acquitted man will go free if one of these jurors thinks the dead man was probably guilty. Therefore,—

In the second place, it is not admissible that the jury judge the justice of the law. In some particular departments they might, but not in general. If a man is known to be opposed to punishing anybody for theft, whether his opposition springs from a non-resistant tendency or from a Communist tendency, there is no use in going on with a prosecution for theft when you find him on the jury, no matter how clear the case is or what circumstances may make a conviction especially desirable. A *nolle prosequi* will save everybody's time. When jury trial began, there were substantially no non-resistants; as I have already said, there used to be more unanimity in those days. When Lysander Spooner argued for a return to primitive jury trial, non-resistance was not interpreted as meaning a refusal to uphold the regular administration of the law. At present we have the relief that the Tolstoian non-resistants are told to refuse to sit on juries at all; but in a few years we shall probably have a breed of non-resistants who would, if invited, sit on a jury with not-guilty ballots ready prepared in their vest pockets.

Now, if we are going to take into our juries such men as will make conviction generally improbable, we had better all be non-resistants at once. A general prevalence of non-resistance would certainly save a lot of unpleasantness inseparable from courts and penalties, and might possibly make society so peaceful that no one would want to return to the old policy. But a system of arrests and trials, with punishment in case of conviction, but with failure to get a conviction half of the time even where guilt is indisputable, cannot lead to anything but the vendetta. Or, if you have two hostile races or classes, each of whom will in general refuse to convict one of its members of an assault on one of the other party, you get a race or class war. If you have a moderate part of the country favoring the forcible

suppression of an obnoxious practice, you get suppression by regulators. For instance, if, instead of requiring jurors to assent to a law that liquor-selling shall be treated like other trades, we let every prohibitionist judge the justice of the law, the partisanship of one-fifth of a community may make it fourteen to one that there will be no conviction of an armed band who break into a saloon, smash the stock, and use their guns if violent resistance is made. Is this in any respect better than letting the votes of three-fifths of the people prohibit the saloon? Or are we to be told that Lysander Spooner's doctrine about juries was never meant to be put in practical effect in a society where one-fifth of the people believe the suppression of saloons to be an occasion that justifies violence? Rather let this remind us that—

In the third place, the benefit of all doubts as to the *justification* of an act of violence should be given *against* the accused. Jerome said well that, if you accept Evelyn Thaw's story as creating a legal doubt of her husband's guilt, you thereby accept it as conclusive and undoubted in condemning Stanford White to death. And equally well did a Virginia legislator this year satirize a Virginia jury's verdict by moving a bill that, if any man is informed by his wife, sister, or daughter that another man has insulted or defiled her, it shall be lawful for him to shoot this other man "without regard to the truth or falsity" of the information. If our principle is going to be that a man shall not be put to death on doubtful grounds, there is no sense in letting a man who has doubtful grounds against another evade this principle by first killing that other, and then claiming to be acquitted because there is a doubt whether his grounds were not good.

And yet this is what it would obviously come to if all features of the case were to go before the jury, and there were to be no conviction unless the jury was unanimous against the accused. The only way to apply the jury system to such matters, and still avoid whitewashing the men who kill others on doubtful grounds, is to provide that the jury must give separate verdicts as to whether violence was done and as to whether, if committed, it was justified; and that, if the first verdict is unanimous against the accused, he shall be convicted, unless the second verdict is unanimous in his favor. By the way, this rule of procedure, that there must be two verdicts, and that the one must not be allowed to affect the other, is another instance of a law that the jury should not be allowed to judge. But what if some of them insist on judging it?

What if one man on the jury, being egoistically determined that a verdict unpleasant to himself shall not be given, and unscrupulous enough to pronounce a formal lie for this purpose, and being of the mind that it is a good thing to shoot strike-breakers, sees that the only way to protect the man who shot the strike-breaker is by rendering the untruthful verdict that this man did not shoot that man at all? This was what Lysander Spooner, moralist as he was, called on all jurymen to do—to render such verdicts as would, under the form of findings on the facts, actually give effect to their sentiments about the law. It does not really take so very much unscrupulousness to tell a formal lie which is not to deceive anybody's mind but merely to prevent unpleasant legal consequences; at any rate the willingness to do so is not very uncommon.

Here is the real defect of the jury system—that it accomplishes too effectively the purpose it was meant to accomplish, the purpose of preventing the legal punishment of anybody whom the people do not unanimously want punished. It was devised in a time when the people were comparatively unanimous on the fundamentals of law; yet even then the judges had speedily to devise all sorts of restrictions and substantial annulments of the principle in order to keep approximately to such justice as the people wanted to have. Admit that the requirement of leaving the law to the judge was wholly for the purpose of oppression, which is a long way more than the truth calls on us to admit; still, is there a reasonable doubt that the unreasonable restrictions of the law of evidence, or the provision for drawing jurymen in certain cases from those who were *not* neighbors, were intended chiefly to secure that all men should be given equal protection against violence? Now, if we are going to give up these safeguards; if the man who has killed another for calling him a liar is to be judged by a jury who are not required to acknowledge the law that this provocation does not justify homicide; if the man who has tried to arrest John Doe for the perpetration of an atrocious crime because Honest Richard Roe told him he believed Doe to be the guilty person, and who has shot Doe dead when Doe shook off his hand and ran, is to be tried by a jury in which each juryman judges the validity of evidence for himself; if the men who went with the mob that wrecked the Chinamen's houses are to be judged by a jury of the vicinage,—then the security of my life will want a better guarantee than my neighbor's fear of being convicted for killing me. Even with the present cumbrously elaborate precautions, one of the weakest points in the jury

system is the chance that the trial will be spoiled by the bias of juryman who is against justice. Re-read the Mtonga case.

What makes all these things worth saying is the fact that a judge is less liable to all these weaknesses than is a jury. Doubtless a judge appointed by a tyrannous power, and selected for its purposes, is a ready-made tool of tyranny. But really, in our part of the world at least, tyranny *over* the people is nearly dead; and where it still exists, or where there is danger of its recrudescence, it is most effectively opposed by those methods which work toward its abolition rather than by legal restrictions on its power. It was not always so: there was a time when the king of Spain could command a court to give an unjust decision without perceptible danger that this would lead to the overthrow of the monarchy. At present the prime minister of Spain can and does command his courts to give unjust decisions, but no sane insurance agent, in making out a policy on the continuance of the monarchy, would fail to add something to the premium for every such decision that becomes public. But the characteristic and dangerous tyranny of our day is tyranny *in* the people: the tyranny of the majority, degenerating into mob tyranny on occasion; the tyranny of unanimous and determined minorities, degenerating into thug tyranny. Can these tyrannies ask a better prop—so long as it lasts—than a jury system with an unlimited veto power in the individual juryman? And is it not absurd to advocate a measure for guarding against the obsolete tyranny at the expense of strengthening the living and vigorous tyranny? I spoke just now of Spain, a country which looks as if it greatly needed a good jury system. Imagine the Spooner jury system introduced there, while there prevail the same conditions of social, industrial, religious, and political partisanship that gave rise to the recent governmental crimes—or even omit "political" if you think fit. Would not every one who had committed a murder on partisan grounds be almost certain to escape conviction? And would not the result be speedily worse than the outrages of Montjuich and Alcalá del Valle? I have said, "so long as it lasted"; for of course this is the sort of anarchy that is famous for leading to stern reaction.

Now, it might be supposed that those who would not give a fair verdict as jurors would not choose a fair man as judge. But, luckily, this is not altogether so. It is common—one may almost say, it is usual—for those who never show fairness themselves to appreciate an upright judge and delight in having him. Even in the chief traditional home of racial and religious hatred, the western corner of Asia, there is no public official who is so

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are of popular approval as an impartial judge—or else the stories that are told of those countries are very misleading. There is no such thing in the world certainly, and not least in the United States, as public indignation against a judge for being fair; but it is the irreducible minimum of popular injustice. The favor men have for a just judge is so general as to be the only safeguard yet known for fairness in the administration of justice.

It seems to me, therefore, that, instead of conceiving the Anarchistic organization of justice as a system of juries with jurisdiction over every feature of the cases brought before them, we might better conceive it as a system of judges, appointed by such organizations as might concern themselves with the securing of justice. Such questions as whether the plaintiff's court or the defendant's should have jurisdiction, what appeals a man could take in a court that was not his own, what judgments might be quashed as excessive, etc., would be settled by treaties between these organizations; the man who was in no organization, and who had a case against a man who belonged to one, would of course have to trust the fairness of his opponent's court; and I for one would much rather trust the fairness of an opponent's judge than of an opponent's jury, or (if I were plaintiff) a jury in which half were of my opponent's party. That judges are cheaper than juries, and that they are prompter, are two additional reasons, non-essential but not contemptible, for preferring to use them.

STEVEN T. BYINGTON.

ROOSEVELT'S RIVAL

[Henry Maret in "*Le Journal.*"]

At the moment when all mortals are beginning war upon all defenceless beasts, sure of an easy triumph, I am not displeased to learn that the greatest hunter before the Eternal, and the most victorious, is our new friend, Emperor William, who in eight years has slaughtered 25,372 pieces of game.

This beats by 25,372 pieces the record of your servant, who in all his life has never shed innocent blood, or, for that matter, guilty either.

Those who know how the massacres called royal hunts are conducted see in them no chance for the conquerors to derive much glory from them. Ordinarily, in fact, the animals are brought to them in herds, and they fire into the heap, without disturbing themselves. One might ask what amusement they can find in it, if one failed to remember that man is ferocious by nature

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and finds a delicious pleasure in the simple sight of suffering and death.

Ordinary hunters are in the habit of justifying themselves by invoking the excuse of exercise, activity, and also skill. But among the great—nothing of the kind. No exercise, no skill. They kill solely for the charm of killing. And the most curious part of it is that they glory in it all the same. Every time we offer a hunt to one of the princes who honor us with a visit, the counting of their victims seems to have a dazzling effect, although their immolation is the occasion of no more trouble than you would take in firing at your portmanteau.

Nimrod, to whom the august emperor is willingly compared, probably gave himself more pains. Furthermore, he is reputed to have slain more wild and formidable beasts than inoffensive deer and pitiable rabbits. But those were barbarous days. Today, because of the gentleness of our morals, we slay the gentlest beasts.

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"All wealth produced by Labor,—Bosh!
That socialistic stuff won't wash."
Thus spake the multi-millionaire
Unto the pay-shent* *prolétaire*.

But afterwards he changed his style,
When asked how he had gained his pile;
And answered: "Earned it, every bit:
My labor was the source of it."

Then said the other: "I divine;
Your meaning's not the same as mine,
For you construe another way.
With you 'to labor is to *prey*'!"

WILLIAM J. ROBINS.

*The apparently atrocious corruption of the word patient in the above connection is justified by the fact that practically the *prolétaire* pays both "per-shent" and rent, and generally pays it patiently.

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